FEDERAL TRADE COMMISSION
WASHINGTON, D. C. 20580

OFFICE OF THE SECRETARY

15 DEC 1981

Abe Krash
Jerome I. Chapman
Hadrian R. Katz
Arnold & Porter
1200 New Hampshire Avenue, N.W.
Washington, D.C. 20036

Dear Mssrs. Krash, Chapman and Katz:

The Commission wishes to apprise you of the status of the investigation concerning the request by the R.J. Reynolds Tobacco Company that the cigarette holder currently used in the Commission's Cigarette Laboratory testing procedure be modified. On October 26, 1981, the Commission notified you that no action would be taken until Brown and Williamson's response to the other companies' submissions was reviewed. The Commission instructed the staff to review the material and to prepare a supplemental memorandum reporting the results of that review no later than November 20. Staff has completed and the Commission has reviewed this supplemental memorandum.

The Commission has determined that the substantial evidence obtained to date raises serious questions regarding whether the current testing methodology assesses Barclay's "tar" delivery accurately. Therefore, the Commission has ordered that the attached statement (Attachment I) be included in the new Cigarette Laboratory Report of "Tar," Nicotine and Carbon Monoxide Content of the Smoke of 200 Varieties of Cigarettes. The statement acknowledges the pendency of, and describes the issues raised by, this investigation. The Commission has also ordered that this statement be referenced by a footnote next to the test results for Barclay cigarettes.

Based upon the staff's review of the evidence submitted to date, the Commission has further determined that this investigation is not complete and that a number of scientific questions remain. These questions fall into two general categories. First, a number of methodological concerns have been raised about those studies that appear to be the most probative for resolving this matter. Second, additional information about these same studies appears necessary to evaluate their results. To expedite the resolution of this

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investigation and to give you an opportunity to address these questions and concerns, the staff has prepared the attached list (Attachment II), which describes the methodological concerns that have been raised and the additional information the staff believes is necessary to conclude this investigation.

The Commission appreciates your cooperation to date in this matter and recognizes that you and the other members of the cigarette industry voluntarily have already submitted a substantial amount of scientific evidence. To resolve this important matter as expeditiously as possible, the Commission requests that, if you elect to file any additional comments, data or research in response to Attachment II to this letter, those comments and any supporting data be filed no later than February 15, 1981. Upon receipt of this information, the Commission's consultants on this matter will review this material and submit their final reports to the staff within 30 days. The Commission will provide you with 15 days to review and comment upon the consultants' reports. Based on all of the evidence available, the Commission will then determine what action, if any, to take in this matter.

By direction of the Commission.

Carol M. Thomas
Secretary

Attachments

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